

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 375, FOOD AND DRUGS ACT.

MISBRANDING OF WATER.

On or about October 30, 1909, John C. Lindsay & Company, a corporation, of New York, N. Y., shipped from the State of New York to the State of Pennsylvania a consignment of a product labeled: "Sussus Wasser. A Concentrated Saline Purgative Water. Should crystals (due to concentration) form, immerse bottle in warm water. Formulæ:—Gms in liter Natrium Sulph. 55.03, Natrium Phos. 28.60, Natrium Chlor. 0.08, Alumen chlor. Trace, Dosage; wine glassful early in the morning." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded John C. Lindsay & Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment, and alleging that the product was misbranded, in that the words "Sussus Wasser" appearing on the label with no qualifying word, indicated that the water was a natural water, which in truth and fact was not the case, and further in that the name "Sussus Wasser" indicated that the water was a natural German water, which in truth and fact was not the case, and that it was furthermore misbranded in that the label claimed that there was present in the product 4.21 grams per liter of natrium chloride when in fact only a trace of chloride was present.

On April 12, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1910.*